

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS

LUFKIN DIVISION

|                    |   |                           |
|--------------------|---|---------------------------|
| TERRY LYNN NUNN    | § |                           |
| VS.                | § | CIVIL ACTION NO. 9:20cv47 |
| DIRECTOR, TDCJ-CID | § |                           |

MEMORANDUM OPINION REGARDING TRANSFER

Petitioner Terry Lynn Nunn, an inmate confined at the Eastham Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, filed this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

Discussion

On May 27, 2010, in the 426th Judicial District Court of Bell County, Texas, petitioner was convicted of robbery. Petitioner was sentenced to a term of forty-five (45) years' imprisonment. Petitioner brings this petition for writ of habeas corpus challenging his conviction and sentence.

Pursuant to 28 U.S.C. § 2241(d), a petitioner may bring his petition for writ of habeas corpus in the district court for the district wherein such person is in custody or in the district court for the district within which he was convicted. Section 2241(d) further provides that the district court in the exercise of its discretion may transfer the action to the other district in the furtherance of justice.

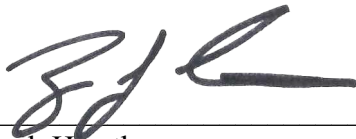
Petitioner is currently confined at the Eastham Unit in Lovelady, Texas. However, petitioner was convicted and sentenced in Bell County, Texas. Pursuant to 28 U.S.C § 124, Bell County is in the Waco Division of the Western District of Texas.

Under 28 U.S.C. § 1404(a), for the convenience of parties and witnesses and in the interest of justice, a district court may transfer any civil action to any other district or division where it could

have been brought. Such a transfer may be done *sua sponte* and is reviewable only for an abuse of discretion. *Mills v. Beech Aircraft Corp.*, 886 F.2d 758, 761 (5th Cir. 1989).

While jurisdiction is proper in the Eastern District of Texas, the petitioner complains of a conviction which occurred in the Waco Division of the Western District of Texas and all records and witnesses involving this action may be located in the Western District. The court has considered the circumstances and has determined the interests of justice would best be served if this petition was transferred to the division in which the petitioner was convicted, being the United States District Court for the Western District of Texas, Waco Division. An Order of Transfer so providing shall be entered in accordance with this Memorandum Opinion.

SIGNED this 7th day of April, 2020.



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Zack Hawthorn  
United States Magistrate Judge